

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Charles Seaford

TOWN COUNCIL
Don Bringle
Arthur Heggins
Brandon Linn
Rodney Phillips
Steve Stroud

TOWN OF CHINA GROVE

A regular meeting of the China Grove Town Council

Tuesday, March 3, 2020
6:00 p.m.

China Grove Town Hall
China Grove, North Carolina

CALL TO ORDER

Mayor Seaford called the regular meeting of March 3, 2020 to order. He led the audience in the Pledge of Allegiance.

Mayor Seaford called roll. All council members were present with the exception of Mr. Phillips. There was a quorum.

The meeting started at 6:00 pm at the Town Hall.

Mr. Linn made a motion to adopt the agenda. Mr. Stroud seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from February 4th, 2020 regular meeting
- b) Adopt Budget Ordinance Amendment

Mr. Linn made a motion to approve the consent agenda. Mr. Heggins seconded the motion, which carried unanimously.

CITIZEN COMMENT

None

QUASI-JUDICIAL HEARING

- I) 2020-Z-01 Suburban Residential to Mixed Residential; 2019-CUP-02 & 2019-S-01

Mrs. Mills swore in Chris Loukos, Applicant/Property Owner, Kevin Williams, Engineer, Ashley Webb, SRU, Mezak Tucker, NCDOT, Carla Doby, Faye Merkt, Eddie Ford, Jeff Mabrito and Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover stated the applicant is requesting a rezoning from Light Industrial district (L-I) to a Mixed Residential Conditional Use district (RM-CU) to accommodate a multi-family residential development. He stated in NC these are two separate process but we are required to have these at the same time. He stated the property is 23.66 acres and is located at the end of Ketchie Estate Road. He stated looking at the property it is surrounded by Light Industrial, Highway Business, Suburban Residential and Mixed Residential districts. He

stated the area is largely a undeveloped wooded area located along Interstate 85. He stated Ketchie Estate Road is approximately 17 feet wide and is located in the ETJ. He stated this property is located in the Industrial/Employment Center future land use category of the China Grove Land Use Plan. He stated the area surrounding this property is located in the General Commercial future land use category. He stated the Planning Board recommended approval with an amendment to the Land Use Plan. He stated the Land Use Plan did not envision the need for high density residential towards this area. He stated the RM district allows 15 units an acre. He stated the site plan we are looking at shows 9 units an acre with a total of 216 apartments. He stated the site plan shows you entering a private drive with multifamily development, a pool house and pool, and a playground. He stated there is one entrance and exit to this property to a public maintained road. He stated this property is located in a watershed and the impervious area is 29% built upon making this a high-density project. He stated this will be subtracted from our portion of the watershed allocation using the 10/70 rule. He stated looking at the elevation and materials they are proposing horizontal hardy board plank and brick veneer on the bottom. He stated this property will have to request voluntary annexation into the city limits to have water and sewer services. He stated mailed notices and posted notices on the property occurred on February 20th. He stated handed out example finding of facts.

Mayor Seaford asked if this rezoning would affect any other parcel. Mr. Gover stated no, it would only affect this parcel.

Mr. Linn asked if stormwater has been addressed and if it meets our standards. Mr. Gover stated McGill and Associates have reviewed it and have provided comments back to the Engineering firm. He stated they have some areas set aside for stormwater control measures.

Mr. Bringle asked will utilities coming into this site be located down Ketchie Estate Road. Mr. Gover stated he will let Ms. Webb with Salisbury Rowan Utilities answer that question. Ashley Webb stated water is available at the end of Grove Street and would require an extension of the public main with an easement to the property. She stated sewer is available from a gravity outfall that runs the length of the property. She stated gravity sewer stops before you get to Ketchie Estate Road but a force main does go along the road.

Mr. Bringle asked with the density of the apartments and the location of the property will the buildings be sprinkled. Mr. Gover stated yes. Mr. Bringle asked with the construction equipment coming into the project who will be responsible for fixing the road after the project is complete. Mr. Gover stated he will let Mr. Tucker with NC Department of Transportation answer that question. Mezak Tucker stated a preliminary review has been done of this project and they would require the developer to repair any damage done to this road. He stated any potholes that would come about during the construction phase they would be required to patch. He stated at the end of development as part of the permit NCDOT is requiring them to widen the road to a minimum of 18 feet wide and overlay it with an inch and half of asphalt. Mr. Bringle asked if that was the new standard the County has adopted. Mr. Tucker stated the new standard is only for new subdivisions and requires 20 feet wide and in areas that have a hydrant it is 28 feet wide. Mr. Bringle asked would there be a reason why NCDOT is not recommending the 20 feet. Mr. Tucker stated 20 feet was not considered due to the major reconstruction it would cause. He stated this would require moving ditches and utility poles and possibly using some of the property of the current residents. Mr. Bringle asked how much time would NCDOT require the developer to bring the road up to the requirements. Mr. Tucker stated we have not required bonds on a lot of projects we should have been in the past. He stated we will be requiring a bond on this project and we are looking into what the time limit will be on the requirements. Mr. Gover stated we can add a condition to the CUP that prior to the CO the road will have to be up to NCDOT standard.

Mr. Linn asked if there are any screening requirements. Mr. Gover stated the UDO requires screening in between residential properties. Mr. Linn asked what are the required setbacks. Mr. Gover stated 25 feet.

Mayor Seaford asked about school bus turnaround and how kids will be picked up and dropped off. Mr. Gover stated the roads inside the development are wider than Ketchie Estate Road. He stated they are 24 feet wide and wide enough to get a bus around and pick up at many locations.

Mayor Seaford asked if there is room for the Fire Department to get their vehicles into the development. Mr. Gover stated the internal streets are designed to our 50-foot cross section and are a lot wider than Ketchie Estate Road.

Mr. Heggins asked if Ketchie Estate Road is the only entrance into the property. Mr. Gover stated this is the only way in and out of the property.

Mr. Bringle asked what the impact of 400 plus additional vehicles would be on Ketchie Estate Road and Power Street. Mr. Tucker stated in the peak hour we are looking at 60 trips on Power Street.

Kevin Williams with Williams Land Design Development stated he is here to answer any questions the Council has. Mr. Linn asked what type of screening will be planned for this project. Mr. Williams stated we have not looked at the landscaping plan but it will be in compliance with China Grove standards.

Mayor Seaford asked what luxury apartments means to him. Mr. Williams stated the intent is to use high-end appliances and finishes such as stainless-steel appliances and high-end countertops. He stated the finishes will not be standard contractor grade.

Mr. Stroud asked if he was planning on building the project or selling to be built. Mr. Williams stated they are planning on building it out. He stated once we start the design process, we intend to have the whole project in for review. He stated that would include all onsite design as well as the design for Ketchie Estate Road.

Mayor Seaford asked if this project is approved when would the you start building. Mr. Williams stated it would depend on the review process. He stated within four to six months would be a reasonable time period.

Mr. Linn asked if NCDOT requires curb and gutter for a secondary road. Mr. Tucker stated we do not require curb and gutter on a secondary road.

Mayor Seaford opened the Quasi-Judicial Hearing.

Jeff Mabrito - 205 Patterson Street

Mr. Mabrito stated the one thing that concerns him is increasing the population of the town by ¼. He stated he wants knows the town is going to grow but we should be careful and make sure it is the kind of growth we want in this town. He stated he believes nicer housing developments with families that invest in the town would be a better way to grow. He stated apartment developments are normally single people that are transient. He stated this could be a big gamble.

Carla Doby - 155 Ketchie Estate Road

Ms. Doby stated getting off of Ketchie Estate Road onto Power Street is difficult and with the addition of more vehicles on the road this could become impossible. She stated until the project is complete and the road is improved it is going to be even more difficult to travel in this area. She stated she does not think improvements to the road will help with this issue.

Faye Merkt – Rowan County Parcel 124 00801

Ms. Merkt stated her property is vacant but her son lives at 160 Ketchie Estate Road. She stated he has lived there since he was born. She stated he is legally blind and a double amputee and he rides his motorized chair up and down the road to talk to the neighbors. She stated the volume of traffic this development would bring would make it impossible for him to continue safely riding up and down this road.

Eddie Ford - 330 Ketchie Estate Road

Mr. Ford stated he has lived there 15 years and his property adjoins this proposed development. He stated he is concerned with home security and keeping people off his property. He stated this road would need to be a two-lane road to accommodate the traffic this would bring.

Mayor Seaford closed the Quasi-Judicial Hearing.

Mr. Linn stated he would like to require a 20-foot extension for the road instead of 18 feet. He stated he would also like to require road improvements such as potholes to be done during construction. Mr. Bringle asked will the contractor be willing to look at extending the road to 20 foot instead of 18 foot. Mr. Williams stated once the bond is put up for construction it will be the contractor's responsibility to maintain the construction site. He stated Ketchie Estate Road is part of the construction site. He stated they will be working with town inspectors and state inspectors throughout the project. He stated they would consider 20 feet but would ask NCDOT to be a little flexible on their design standards. He stated curb and gutter would not be feasible due to how the properties sit in terms of grade.

Mr. Stroud stated the Board sits in a difficult place. He stated traffic should die down on Power Street when the construction of I-85 is complete. He stated the Board is faced with the fact of running the town with the tax base we have. He stated we need to grow in order to continue to provide services to the residents in town.

Statement of Consistency and Reasonableness

Mr. Bringle made a motion that 2020-Z-01 is appropriate and necessary to meet the development needs of China Grove for the following reasons not previously envisioned by the China Grove Land Use Plan 1) the proposed map amendment to the Mix Residential District is more compatible with the Ketchie Estate Road neighborhood than the existing Light Industrial district. Furthermore, the adoption of 2020-Z-01 is deemed as an amendment to the China Grove Land Use Plan and is reasonable and in the public interest based on the fact that the subject parcel is in close proximity to the I-85 corridor and existing residential development. The land use plan shall be amended to reflect the need for higher density mixed use, and residential development in proximity to the I-85 corridor and major thoroughfares. Mr. Linn seconded the motion, which was carried unanimously.

2020-Z-01

Mr. Linn made the motion to approve 2020-Z-01 the request to rezone Rowan County Tax Parcel 124 101 from Light Industrial to Mixed Residential. Mr. Heggins seconded the motion, which was carried unanimously.

Mr. Bringle made a motion to approve the Finding of Facts that this use does not endanger the public health or safety if located where proposed and developed according to the plan due to the fact the proposed multi-family residential development will be subject to all jurisdictional requirements for construction and is subject to the requirements of Salisbury Rowan Utilities, Rowan County Building Inspections, Environmental Health and various other agencies. Mr. Heggins seconded the motion, which carried unanimously.

Mr. Heggins made a motion to approve the Finding of Facts that this use meets all required conditions and specifications due to the fact that the site plan meets the minimum standards of the UDO and has been reviewed by the Planning Board and TRC. Furthermore, the proposed development is subject to further review and approval of engineering plans and the proposal requires improvements to Ketchie Estate Road subject to NCDOT permitting, approval, and acceptance. Mr. Stroud seconded the motion, which carried unanimously.

Mr. Stroud made a motion to approve the Finding of Facts that this use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity due to the fact that no material evidence was presented suggesting this request would injure property values. Mr. Bringle seconded the motion, which carried unanimously.

Mr. Heggins made a motion to approve the Finding of Facts that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the China Grove area as adopted by the Town Council due to the fact the subject parcel is currently within the Regional Industrial/Employment Center future land use category as identified in the China Grove Land Use Plan. He stated the Regional Industrial/Employment Center future land use category promotes office parks, corporate campuses, and light industrial development. He stated this request is appropriate and necessary for reasons not previously envisioned by the China Grove 2015-2040 Land Use Plan and upon approval, 2020-Z-01 amends the Land Use Plan based on the fact that a variety of higher density residential uses within close proximity to major thoroughfares are in the public interest. Mr. Linn seconded the motion, which carried unanimously.

2020-CUP-01

Mr. Linn made the motion to approve 2020-CUP-02 to allow a multi-family residential development on Rowan County Tax Parcel 124 101 with the condition that the road is to be widened up to 20 feet and the developer is required to patch and repair the road during development. Mr. Stroud seconded the motion, which was carried unanimously.

NEW BUSINESS

I) Adopt Resolution of Intent to Permanently Close a Portion of Eudy Road

Mr. Gover stated he was approach in the fall by Rowan County EMS about doing a road closer on Eudy Road. He stated since the railroad crossing closer Eudy Road has been slit into three sections. He stated this proposed a challenge for emergency services. He stated the only property that is addressed on this section is Mt. Zion Church. He stated the section that is on the Church Street side has been closed already and would need to be renamed to Lutheran Chapel Road.

Mr. Stroud made the motion to adopt the Resolution of Intent to Permanently close a portion of Eudy Road and hold a Public Hearing on the matter at the regular meeting on April 7th, 2020 at 6:00 pm. Mr. Linn seconded the motion, which was carried unanimously.

II) Adopt Resolution of Intent to Permanently Close a Portion of Roberts Street

Mr. Gover stated he was approached about closing a portion of Roberts Street in between parcels owned by Corner Stone Church.

Mr. Stroud made the motion to adopt the Resolution of Intent to Permanently close a portion of Roberts Street and hold a Public Hearing on the matter at the regular meeting on April 7th, 2020 at 6:00 pm. Mr. Linn seconded the motion, which was carried unanimously.

COUNCIL UPDATES

Mayor Seaford asked Mr. Gover for an update on the 2020 Census. Mr. Gover stated we have had an ongoing social media campaign. He stated we will be placing signs out in the next coming weeks. He stated Mrs. Price has contacted all Pastors in the area.

ADJOURNMENT

Mr. Stroud made a motion to adjourn. Mr. Bringle seconded the motion, which carried unanimously.

Respectfully Submitted,

Pamela L. Mills, CMC
Town Clerk

Charles Seaford
Mayor